

**US Army Corps
of Engineers®**

PUBLIC NOTICE

PERMIT MODIFICATION REQUEST

Public Notice/Permit No.: 984-0030-RWF

Comment Period: November 14, 2003 through December 14, 2003

Applicant for the Permit Modification

J. Michael Martin
The Viehmann, Martin Companies
14614 N. Kierland Boulevard
Suite N-230
Scottsdale, Arizona 85254
(480) 609-0660

(1) Agent

Hardy M. Strozier
The Planning Associates
3151 Airway Avenue, Suite R-1
Costa Mesa, California 92626
(714) 556-5200

(2) Agent

Robert Anderson, Esq.
Withey Anderson & Morris P.L.C.
2525 East Biltmore Circle, Suite A-212
Phoenix, Arizona 85012
(602) 346-4600

Location

In a preserved ephemeral wash and its buffer zone in the Desert Ridge master-planned community at Section 19, T4N, R4E (west of Tatum Boulevard and north of State Route 101 Freeway), Phoenix, Maricopa County, Arizona.

Activity

The applicant has requested a modification to his Section 404 Clean Water Act (for the construction of the Desert Ridge master-planned community) to cause additional impacts to a preserved watercourse (0.26 acres) and associated 250-foot wide buffer zone (6.07 acres) for the construction of an auto dealership and office complex. The preserved watercourse and buffer zone currently serve to compensate for losses to other watercourses due to the construction of the Desert Ridge master-planned community. For more information, see page 3 of this notice and attached drawings.

Interested parties are hereby notified that a request has been received to modify the Department of the Army permit for the activity described herein and shown on the attached drawing(s). Interested parties are invited to provide their views on the proposed work, which will become a part of the record and will be considered in the decision. This permit modification request will be issued or denied under Section 404 of the Clean Water Act (33 U.S.C. 1344).

Comments can be e-mailed to ronald.w.fowler@usace.army.mil or mailed to:

**U. S. Army Corps of Engineers
ATTENTION: Regulatory Branch (984-0030-RWF)
3636 North Central Avenue, Suite 900
Phoenix, Arizona 85012-1939**

Evaluation Factors

The decision whether to issue a permit modification will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof. Factors that will be considered include conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food production and, in general, the needs and welfare of the people. In addition, because the proposal would discharge dredged or fill material, the evaluation of the activity will include application of the EPA Guidelines (40 CFR 230) as required by Section 404 (b)(1) of the Clean Water Act.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian tribes; and other interested parties in order to consider and evaluate the impacts of this proposed permit modification. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny this permit modification proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of a supplemental Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Preliminary Review of Selected Factors

EIS Determination- A preliminary determination has been made that an environmental impact statement is not required for the proposed permit modification.

Water Quality- The applicant will be required to obtain water quality certification, under Section 401 of the Clean Water Act, from the Arizona Department of Environmental Quality (ADEQ). For any proposed activity on land other than Tribal land that is subject to Section 404 jurisdiction, the applicant will be required to obtain water quality certification from the ADEQ. Section 401 of the Clean Water Act requires that any applicant for an individual Section 404 permit provide proof of water quality certification to the Corps of Engineers.

ADEQ issued a conditioned letter of Section 401 water quality certification dated March 30, 2000 for the construction of the Desert Ridge master-planned community. The proposed permit modifications constitute a substantive change/modification to the original project plans that were the basis for ADEQ's issuance of the March 30, 2000 conditional Section 401 water quality certification. The proposed substantive change/modification to the original project plans will require an additional review and if appropriate, issuance of a supplemental Section 401 water quality certification.

Cultural Resources- The latest version of the National Register of Historic Places has been consulted and this site is not listed. Prior to the issuance of the Section 404 permit for the Desert Ridge master-planned community, the Corps conducted a detailed study to determine whether the any historic properties eligible or potentially eligible for listing in the National Register of Historic Places would be impacted by the development activities. The Corps has concluded after reviewing this study that the parcel subject to the permit modification request contains no properties eligible or potentially eligible for listing in the National Register of Historic Places. This review constitutes the extent of cultural resources investigations by the District Engineer, and he is otherwise unaware of the presence of such resources.

Endangered Species- The proposed project area contains habitat constituents similar to those that may be utilized by the Cactus ferruginous pygmy owl. The Corps will consult with the U.S. Fish and Wildlife Service to determine any affects that the proposed project may have on the owl. The proposed project is not expected to have any affects on any other federally listed species or their designated critical habitat.

Public Hearing- Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this permit modification request. Requests for public hearing shall state with particularity the reasons for holding a public hearing.

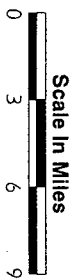
Proposed Activity for Which a Permit Modification is Required

The Viehmann, Martin Companies, a transferee of the Section 404 permit issued to the Arizona State Land Department for the Desert Ridge master-planned community, has submitted a request to impact a portion of a preserved wash contained within a 250-foot wide mitigation corridor so that the construction of an AutoNation dealership and office complex could occur. As proposed, the construction of the AutoNation dealership and office complex would result in grading and filling of the ephemeral wash and 250-foot wide mitigation corridor. The flows normally conveyed in the wash would be piped underground to the channel located adjacent to the State Route 101 Freeway.

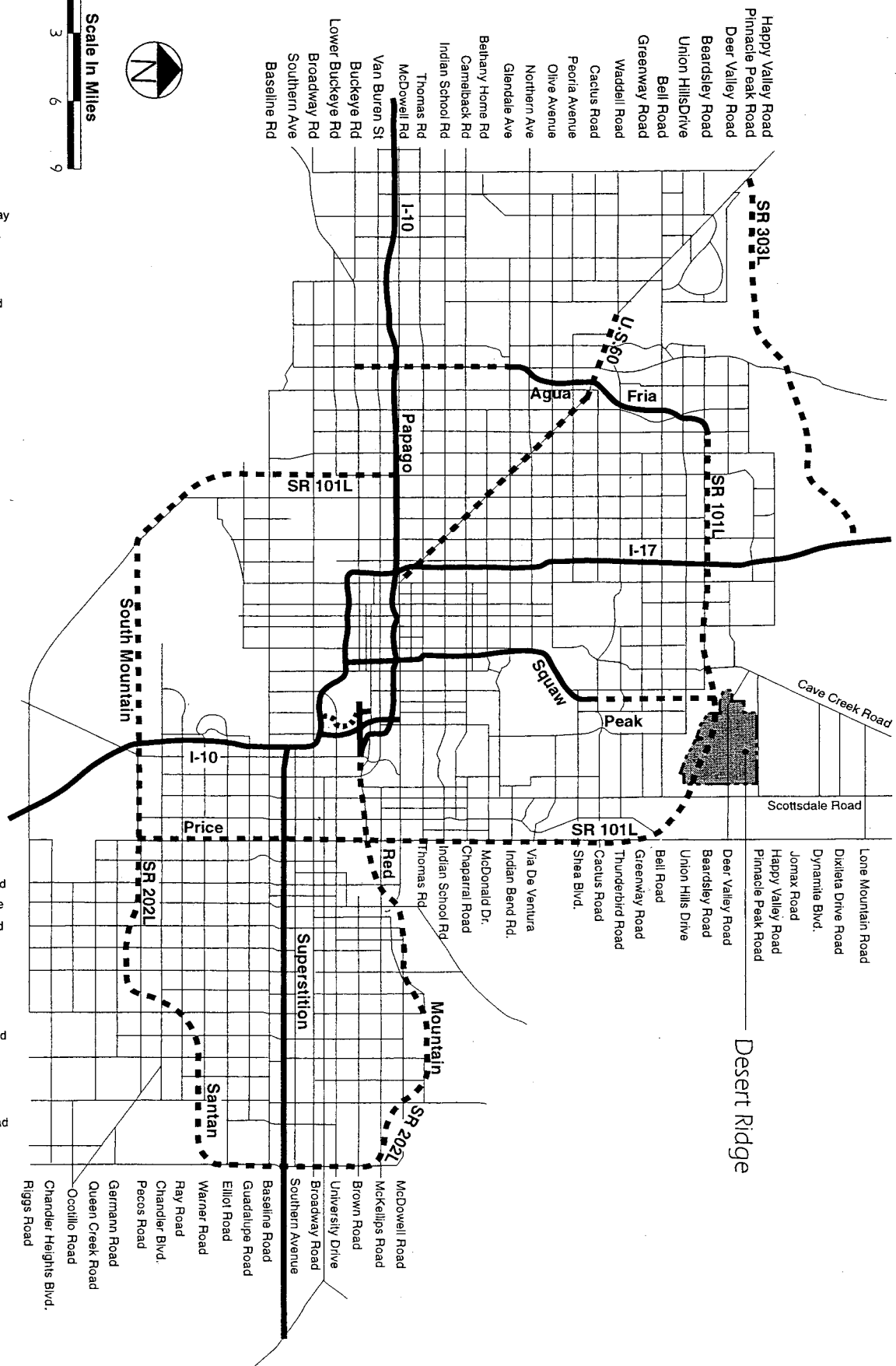
Proposed Mitigation

The Viehmann, Martin Companies is proposing to utilize in-lieu fee payments (\$23,000 per acre) as an alternate to compensatory mitigation.

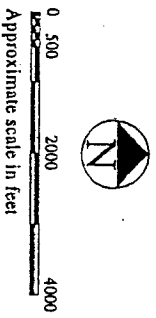
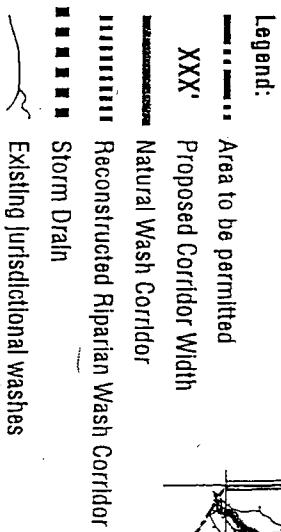
For additional information please call Ron Fowler at (602) 640-5385 x 226. This public notice is issued by the Chief, Regulatory Branch.



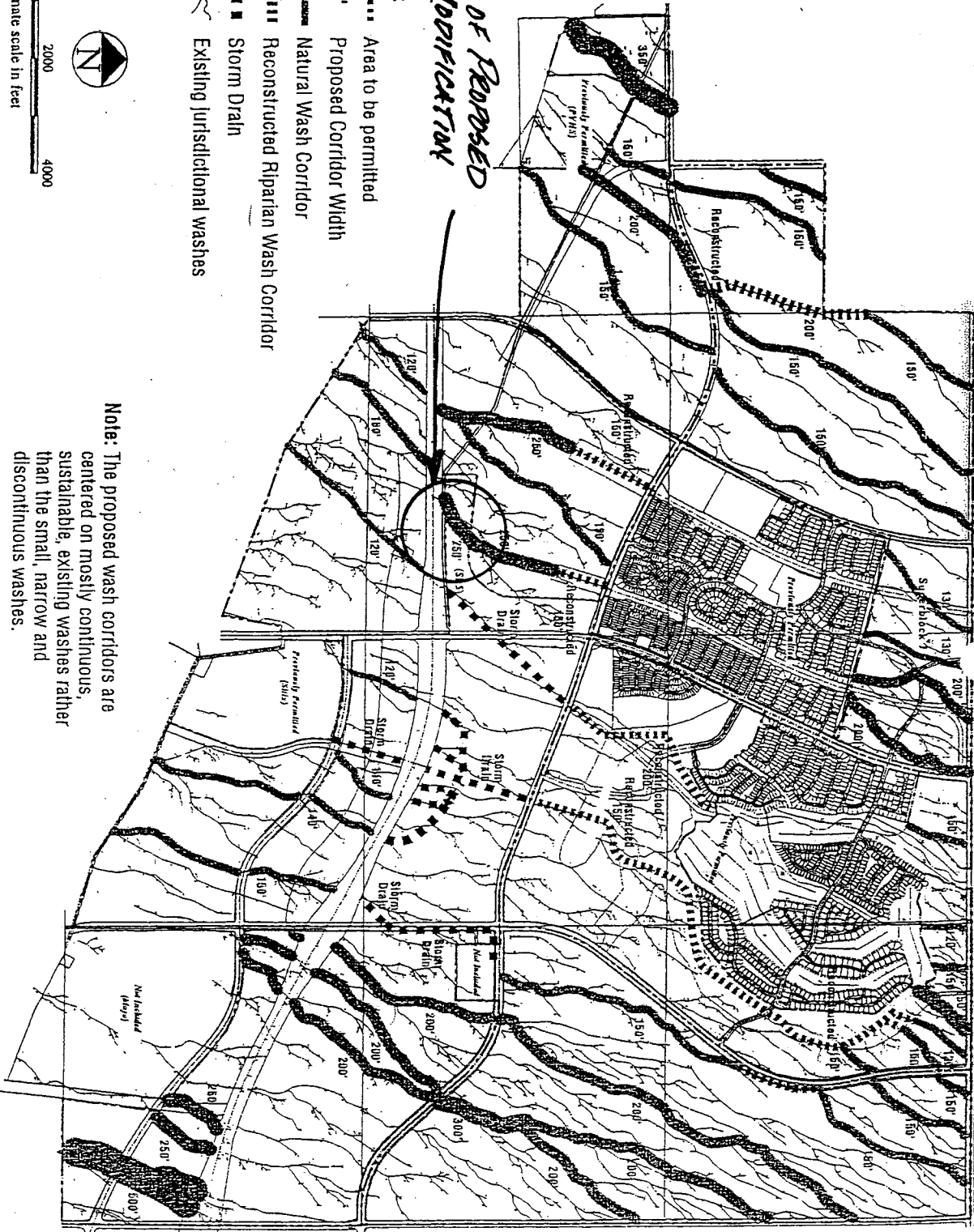
- Cotton Lane
- Sarival Avenue
- Estrella Parkway
- Bullard Avenue
- Litchfield Road
- Dysart Road
- El Mirage Road
- 115th Avenue
- 107th Avenue
- 99th Avenue
- 91st Avenue
- 83rd Avenue
- 75th Avenue
- 67th Avenue
- 59th Avenue
- 51st Avenue
- 43rd Avenue
- 35th Avenue
- 27th Avenue
- 19th Avenue
- 7th Avenue
- 7th Street
- 16th Street
- 24th Street
- 32nd Street
- 40th Street
- 48th Street
- 56th Street
- Kyrene Road
- Rural Road
- McClintock Dr
- Price Road
- Dobson Road
- Alma School Rd
- Arizona Avenue
- McQueen Road
- Cooper Road
- Gilbert Road
- Lindsay Road
- Val Vista Drive
- Greenfield Road
- Higley Road
- Recker Road
- Power Road
- Sossaman Road
- Hawes Road
- Elsworth Road



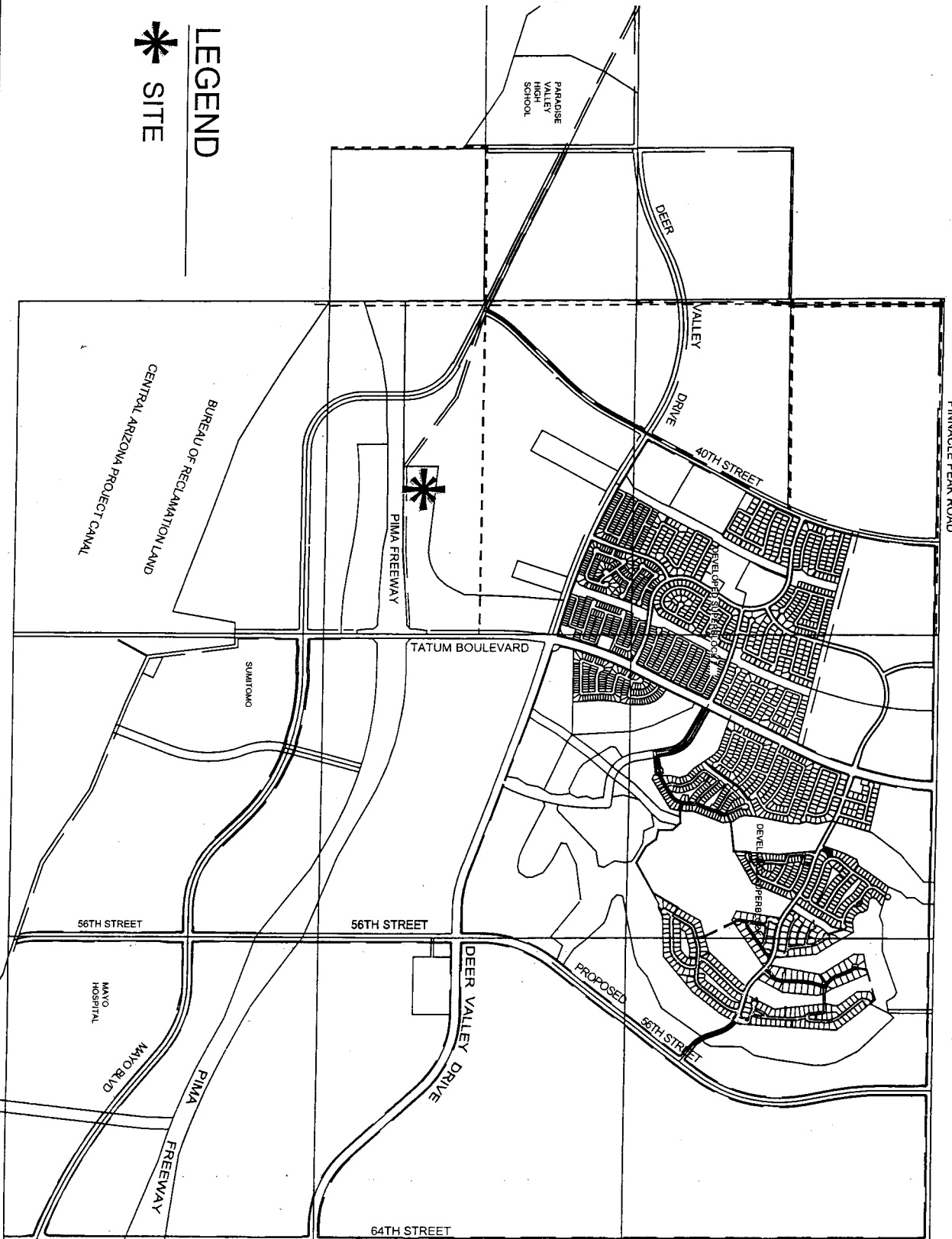
Locomotion of Reptiles Result Modification



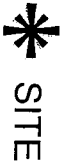
Note: The proposed wash corridors are centered on mostly continuous, sustainable, existing washes rather than the small, narrow and discontinuous washes.



PINNACLE PEAK ROAD



LEGEND

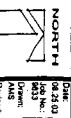


SITE

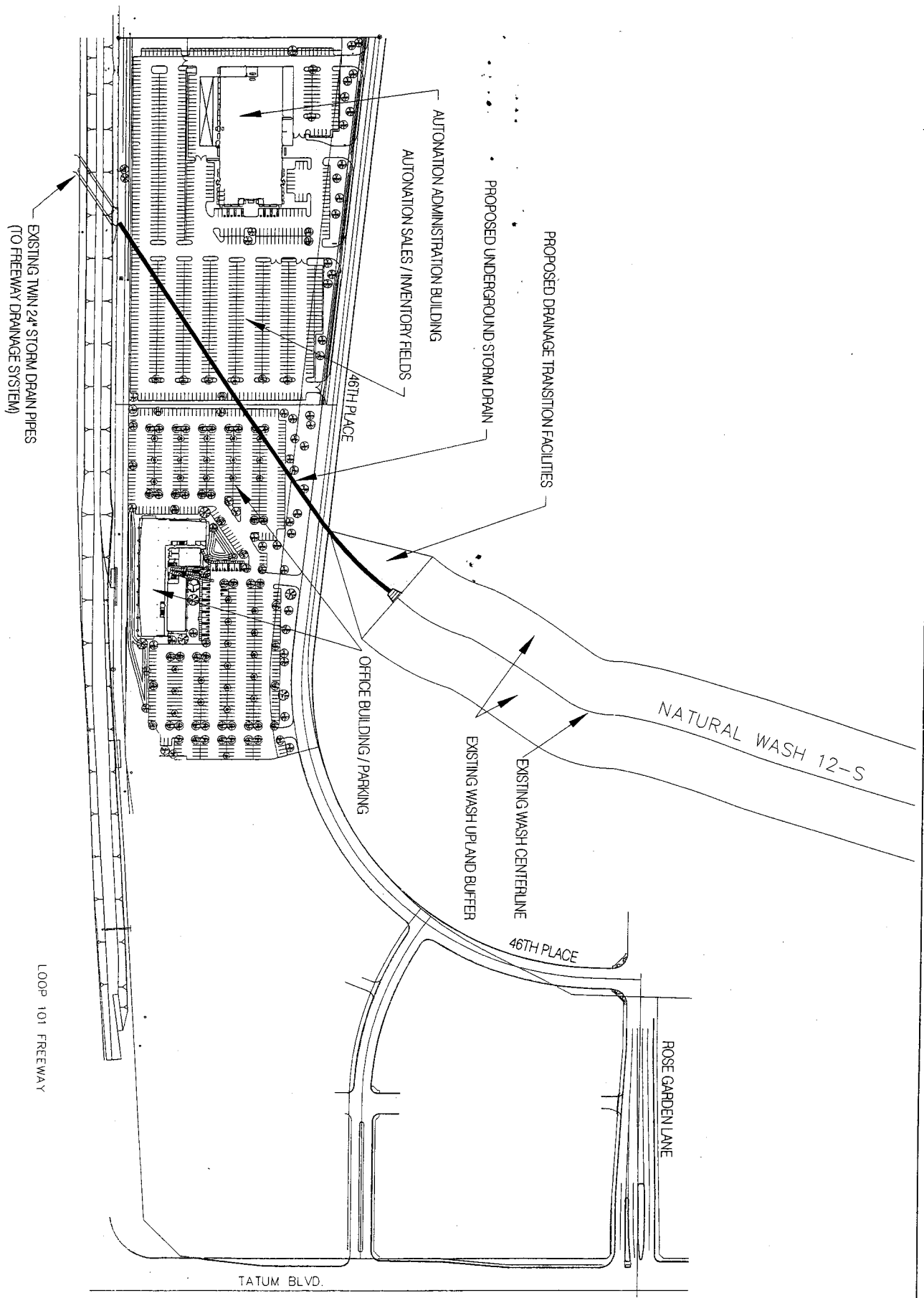


Desert Ridge: Superblock 5.C
Desert Ridge Context Map

SCALE:
NOT TO
SCALE



DATE: 10/1/01



Urban Design Studio LLC
 7002 East 10th Street
 Suite 100
 Phoenix, Arizona 85018
 Tel: (602) 998-7333
 Fax: (602) 998-7333

Desert Ridge: Superblock 5.C

Conceptual Site Plan

SCALE: 1" = 300'

NORTH

DATE: 10/10/03
 DESIGNED BY: [Signature]
 CHECKED BY: [Signature]
 REVISIONS: 1/1/03

PREPARED FOR: CONSTRUCTION